

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

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*Counsel for DVL, Inc. and DVL Kearny Holdings, LLC*

In Re:

CONGOLEUM CORPORATION,

Debtor.<sup>1</sup>

Chapter 11

Case No. 20-18488 (MBK)

Bath Iron Works Corporation,

Plaintiff

Adv. Pro. No.: 20-01439 (MBK)

v.

Congoleum Corporation,

Defendant

Judge: Honorable Michael B. Kaplan

Hearing Date:

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<sup>1</sup> The last four digits of the Debtor's federal tax identification number are 8678. The Debtor's corporate headquarters is located at 3500 Quakerbridge Road, Mercerville, New Jersey 08619.

**NOTICE OF MOTION OF DVL, INC. AND DVL KEARNY HOLDINGS, LLC FOR A  
STAY PENDING A DECISION BY THE UNITED STATES DISTRICT COURT ON  
DVL'SMOTION TO WITHDRAW THE REFERENCE OF DEBTOR'S MOTION TO  
APPROVE A SETTLEMENT WITH BATH IRON WORKS CORPORATION AND  
ADVERSARY PROCEEDING NO. 20-01439 FILED BY BATH IRON WORKS  
CORPORATION OR IN THE ALTERNATIVE TO STAY PENDING APPEAL**

TO: Warren A. Usatine, Esq.  
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and

Congoleum Corporation  
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and

Margaret McGee, Esq.  
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and

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and

Any other parties-in-interest

**PLEASE TAKE NOTICE** that DVL, Inc. and DVL Kearny Holdings, LLC (together, “DVL”), will move before the Honorable Michael B. Kaplan on 2020 at :00 a.m., or as soon thereafter as counsel may be heard, at the United States Bankruptcy Court, United States Courthouse, Courtroom #8, 402 East State Street, Trenton, New Jersey 08608, for a stay under Fed. R. Bankr. P. 5011(c) and Fed R. Bankr. P. 8007 of the Debtor’s Motion for Entry Of An Order Approving A Settlement Agreement Pursuant to Fed R. Bankr. P. 9019 By and Between the Debtor and Bath Iron Works Corporation” (Adversary Proceeding No. 20-01439, Docket No. 22, *et seq.*) (the “Settlement Motion”) and a stay of the adversary proceeding entitled *Bath Iron Works Corporation v. Congoleum Corporation*, Adversary Proceeding No. 20-01439 (the “BIW Adversary), pending a decision by the United States District Court for the District of New Jersey, on DVL’s motion to withdraw the reference of both the Settlement Motion and the BIW Adversary pursuant to 28 U.S.C. § 157(d) (the “Motion”).

**YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).**

**PLEASE TAKE FURTHER NOTICE** that in support of the Motion the undersigned shall rely on the *Memorandum of Law in Support of DVL, Inc. and DVL Kearny Holdings, LLC’s Motion for Stay Pending Decision By the District Court On DVL, Inc.’s and DVL Kearny Holdings, LLC’s Motion to Withdraw the Reference of the Debtor’s Motion to Approve a Settlement With Bath Iron Works Corporation and Adversary Proceeding Filed By Bath Iron Works Corporation or in the Alternative to Stay Pending Appeal and the Certification of Anthony R. Twardowski in Support of DVL, Inc. and DVL Kearny Holdings, LLC’s Motion for Stay Pending Decision By the District Court On DVL, Inc.’s and DVL Kearny Holdings, LLC’s Motion to*

*Withdraw the Reference of the Debtor's Motion to Approve a Settlement With Bath Iron Works Corporation and Adversary Proceeding Filed By Bath Iron Works Corporation or in the Alternative to Stay Pending Appeal.* A proposed Order granting the relief requested in the Motion is also submitted herewith.

**PLEASE TAKE FURTHER NOTICE** that objections, if any, to the relief requested in the Motion must be filed no later than 2020 and shall be (i) in writing, (ii) state with particularity the basis of the objection, and (iii) be filed with the Clerk of the Bankruptcy Court in accordance with LBR 9013-2.

**PLEASE TAKE FURTHER NOTICE** that unless an objection is timely filed and served, the Motion will be deemed uncontested and the relief may be granted without a hearing.

**PLEASE TAKE FURTHER NOTICE** that the undersigned requests oral argument on the return date of the Motion if objection(s) are timely presented.

Respectfully submitted,

**ZARWIN BAUM DeVITO KAPLAN  
SCHAER & TODDY P.C.**

By: /s/ Eitan D. Blanc  
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